

Kevin L. Russell (OSB No. 934855)
Email: kevin@chernofflaw.com
CHERNOFF VILHAUER LLP
601 SW Second Avenue, Suite 1600
Portland, OR 97204
Tel: (503) 227-5631
Fax: (503) 228-4373

Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

SUSAN SOTO, an individual,

Plaintiff,

v.

GENERAL REVENUE CORPORATION,
an Ohio corporation,

Defendant.

§
§
§
§
§
§
§
§
§

Case No. _____

COMPLAINT FOR UNLAWFUL DEBT
COLLECTION PRACTICES

DEMAND FOR JURY TRIAL

Plaintiff Susan Soto (“Plaintiff”) sues General Revenue Corporation (hereinafter
“Defendant”) and, on information and belief, alleges as follows:

INTRODUCTION

1. The count of Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy”.

3. Defendant conducts business in the state of Oregon and the conduct complained of occurred here, and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

5. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

PARTIES

6. Plaintiff is a natural person residing in Portland, Multnomah County, Oregon.

7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.

8. Defendants are engaged in the collection of debts from consumers and regularly attempt to collect consumer debts alleged to be due to another. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)* and sought to collect a consumer debt from Plaintiff.

9. Defendant is a professional corporation doing business of collecting debts in Oregon operating from an address at 11501 Northlake Dr., Cincinnati, Ohio 45249-1643.

10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

11. The FDCPA was enacted to “eliminate abusive debt collection practices by debt collectors, to insure those debt collectors who refrain from using abusive debt collection

practices are not competitively disadvantage, and to promote consistent state action to protect consumers against debt collection abuses.”

12. On information and belief, at least during 2013, Defendant has made multiple calls to Plaintiff.

13. On information and belief, multiple times during 2013 Defendant has called one or more third parties leaving voice mail messages not in accordance with the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.*, causing stress, anxiety, nervousness, fear, worry, loss of happiness, embarrassment, to plaintiff.

14. “[T]his legislation adopts an extremely important protection . . . it prohibits disclosing the consumer’s personal affairs to third persons. Other than to obtain location information, a debt collector may not contact third persons such as a consumer’s friends, neighbors, relatives or employer. Such contacts are not legitimate collection practices and result in serious invasions of privacy, as well as loss of jobs.” S. Rep. No. 382, 95th Cong., 1st Sess. 4, at 4, *reprinted in* 1977 U.S.C.C.A.N. 1695, 1696.

CLAIM FOR UNLAWFUL DEBT COLLECTION PRACTICES

15. Plaintiff incorporates by reference each of the allegations in paragraphs 1 – 14 above and further alleges as follows:

16. The defendant’s violations of the FDCPA include, but are not limited to, defendant violated 15 U.S.C. Section 1692c(b) by communicating with one or more third persons in connect with the collection of a debt.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

A. An award of actual damages;

- B.** An award of statutory damages;
- C.** An award of attorney's fees and costs pursuant to 15 U.S.C. Section 1692k;
- E.** Pre-judgment interest;
- F.** For such other relief as justice requires.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: May 30, 2013

By: /s/ Kevin L. Russell
Kevin L. Russell
Telephone: (503) 227-5631

Attorney for Plaintiff
Susan Soto